

possession of a firearm in violation of 18 USC § 922(g) and one count of possession of an unregistered firearm in violation of 26 USC § 5861(d). The Petitioner sought habeas relief for his convictions on the following grounds:

- A. That he was denied the right to effective assistance of counsel when his trial lawyer failed to investigate and present evidence, failed to object, and failed to argue in support of Petitioner's Motion in limine;
- B. That his Sixth Amendment right to trial by jury was violated because his sentence was enhanced by judicial fact-finding and not subjected to the reasonable doubt standard;
- C. That there was prosecutorial misconduct for failure to disclose exculpatory evidence in the form of the identity of a witness who would potentially support the Petitioner's defense; and
- D. That the trial court abused its discretion by misapplying law to deny Petitioner's Motion in limine, giving inadequate jury instruction and by failing to make findings to support a sentence enhancement.

On review, the Court found the Petitioner did not make a sufficient showing on any of his claims. Consequently, the Court denied Petitioner's 28 USC § 2255 Motion to Vacate, Set Aside, or Correct Judgment and Sentence on April 1, 2005.

The Court finds that the Petitioner has made a substantial showing that reasonable jurists could disagree regarding all four grounds. Accordingly, the Court issues a Certificate of Appealability.

IT IS SO ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: December 23, 2005